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COUNSEL FOR DEFENDANTS ATTORNEY GENERAL AND GOVERNOR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CHRISTINE COLLIER (PARKINSON),
VICTORIA “VICKI” COLLIER, and
NATHAN COLLIER,

Plaintiffs,

v.

TIM FOX, in his official capacity as
Attorney General of Montana;
STEVE BULLOCK, in his official
capacity as Governor of Montana;
SCOTT TWITO, in his official capacity
as Yellowstone County Attorney, and
KRISTIE LEE BOELTER, in her official
capacity as Clerk of Yellowstone County
District Court,

Defendants.

Cause No. CV-15-83-BLG-SPW-CSO

**DECLARATION OF MELISSA
SCHLICHTING IN SUPPORT OF
DEFENDANTS’ JOINT MOTION
TO DISMISS**

I, MELISSA SCHLICHTING, hereby declare as follows:

1. I am co-counsel for Defendants Attorney General Tim Fox and Governor Steve Bullock in the above action, with Solicitor General Dale Schowengerdt and Assistant Attorney General Patrick M. Risken.

2. I am over the age of 18 years, am competent to testify as to the matters set forth herein, and make this affidavit based upon my own personal knowledge and/or belief. I am generally familiar with the claims, materials, documents, pleadings, and public records regarding this matter.

3. The purpose of this Declaration is to provide the foundation and verification of accuracy of non-privileged communications, pleadings, and/or other documents related to this proceeding, and to request the Court to take judicial notice of the exhibits hereto.

4. The exhibits attached hereto are true and correct copies of the following:

a. A true and correct copy of the July 14, 2015, letter from Deputy Yellowstone County Attorney Kevin Gillen to Plaintiffs Nathan Collier and Christine Collier - Parkinson is attached hereto as Exhibit A.

b. In September 2015, I downloaded from PACER a copy of the complaint filed in *Brown v. Herbert*, Case No. 2:11-cv-000652-CW (U.S.

Dist. Court of Utah--Central Division) filed July 13, 2011. A true and correct copy of the complaint is attached hereto as Exhibit B.

c. A true and correct copy of the 10th Circuit's decision in *Bronson v. Swensen*, 500 F.3d 1099 (10th Cir. 2007) is attached hereto as Exhibit C.

d. A true and correct copy of the U.S. District Court of Utah's decision in *Brown v. Herbert*, 840 F. Supp. 2d 1240 (D. Utah, Feb. 3, 2012) is attached hereto as Exhibit D.

5. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Dated this 16th day of October, 2015.

TIMOTHY C. FOX
Montana Attorney General
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By: /s/ Melissa Schlichting
MELISSA SCHLICHTING
Assistant Attorney General
Counsel for Defendants
Attorney General and Governor

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using cm/ecf system. Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

Pro se plaintiffs will be served by First Class Mail addressed as follows:

Ms. Christine Collier (Parkinson)
Ms. Victoria Collier
Mr. Nathan Collier
827 Starlight Circle
Billings, MT 59101

Dated: October 16, 2015

/s/ Melissa Schlichting
MELISSA SCHLICHTING
Assistant Attorney General
Counsel for Defendants